

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

JAY ALONZO,)	
)	Civil Action No. 06 - 1184
)	
Petitioner,)	
)	Judge Terrence F. McVerry
v.)	Magistrate Judge Lisa Pupo
)	Lenihan
WARDEN DAVID WAKEFIELD;)	
PENNSYLVANIA ATTORNEY)	
GENERAL and THE LUZERNE)	
COUNTY DISTRICT ATTORNEY)	

Respondents.

MEMORANDUM ORDER

On September 7, 2006, the above captioned case was initiated by the filing of a Petition for Writ of Habeas Corpus and was referred to United States Magistrate Judge Lisa Pupo Lenihan for pretrial proceedings in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrate Judges.

The Magistrate Judge's Report and Recommendation filed on July 2, 2008 (doc. no. 22) recommended that the Petition for Writ of Habeas Corpus be denied and that a certificate of appealability be denied. On July 8, 2008, Petitioner filed Objections to the Report and Recommendation (doc. no. 23). Petitioner's objections do not undermine the recommendation of the Magistrate Judge.

After *de novo* review of the pleadings and documents in the case, together with the Report and Recommendation, and the

Objections thereto, the following order is entered:

AND NOW, this 11th day of July, 2008;

IT IS HEREBY ORDERED that the Petition for Writ of Habeas Corpus is **DENIED**.

IT IS FURTHER ORDERED that a certificate of appealability is **DENIED**.

IT IS FURTHER ORDERED that the Report and Recommendation (doc. no. 22) of Magistrate Judge Lenihan dated July 2, 2008, is **ADOPTED** as the Opinion of the Court.

IT IS FURTHER ORDERED that the Clerk of Court mark this case **CLOSED**.

AND IT IS FURTHER ORDERED that pursuant to Rule 4(a) (1) of the Federal Rules of Appellate Procedure, Plaintiff has thirty (30) days to file a notice of appeal as provided by Rule 3 of the Federal Rules of Appellate Procedure.

By the Court:

s/Terrence F. McVerry
United States District Judge

cc: Lisa Pupo Lenihan
United States Magistrate Judge

JAY ALONZO
FE-9927
Greensburg, PA 15601